

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

RILEY GAINES, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 1:24-cv-01109-MHC
v.)	
)	
NATIONAL COLLEGIATE ATHLETIC)	
ASSOCIATION, <i>et al.</i> ,)	
)	
Defendants.)	

UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants National Collegiate Athletic Association (“NCAA”) and the State Defendants¹ jointly and respectfully request that this Court enter an Order extending the deadline for (i) Defendants to respond to Plaintiffs’ Amended Complaint, and (ii) the Parties to complete their Early Planning Conference, submit their Joint Preliminary Report and Discovery Plan, and exchange Initial Disclosures. Counsel for Defendants have conferred with counsel for Plaintiffs regarding this extension, and Plaintiffs’ counsel have authorized Defendants to indicate that Plaintiffs do not oppose these requested extensions.

¹ The State Defendants consist of University System of Georgia, Georgia Institute of Technology, University of Georgia, University of North Georgia, Angel Cabrerra, Doug Aldridge, Tom Bradbury, Richard “Tim” Evans, W. Allen Gudenrath, Erin Hames, Barbara Rivera Holmes, Samuel D. Holmes, C. Thomas Hopkins, Jr., MD, James M. Hull, Cade Joiner, Patrick C. Jones, C. Everett Kennedy, III, Sarah-Elizabeth Langford, Rachel B. Little, Lowery Houston May, Jose R. Perez, Neil L. Pruitt, Jr., Harold Reynolds, Sachin Shailendra, T. Dallas Smith, Mat Swift, James K. Syfan, III, Don L. Waters, and John Does 26-50.

The Court is familiar with the procedural background to this Consent Motion. All Defendants filed Motions to Dismiss the Plaintiffs' initial Complaint. (Docs. 54, 55.) Plaintiffs then responded with a notice of their intent to file an Amended Complaint by June 26, 2024. (Doc. 56.) The Court interpreted that filing as a request for an extension of time to respond to the Motions to Dismiss, and granted Plaintiffs' request by extending the time for Plaintiffs to respond to the pending Motions to Dismiss to June 26, 2024, and allowing Plaintiffs to file an Amended Complaint by that time. (Doc. 57.) Additionally, the National Women's Law Center filed a motion to intervene on May 6, 2024, (Doc. 36), and briefing on that motion is set to be completed by July 3, 2024.

The current deadlines and the parties' proposed new deadlines are as follows:

Event	Current Deadline	Proposed Deadline
Defendants' Responses to Plaintiffs' Amended Complaint	14 days after Amended Complaint filed (July 10 if Amended Complaint filed on June 26)	July 24, 2024
Plaintiffs' Briefs in Opposition to Motions to Dismiss	14 days after Motions to Dismiss filed	September 23, 2024
Defendants' Reply Briefs in Support of Motions to Dismiss	14 days after Opposition Briefs filed	October 14, 2024
Early Planning Conference	June 21, 2024 (per Local Rule 16.1)	Within 14 days of Defendants' respective Answers to the Amended Complaint (if necessary)
Joint Preliminary Report and Discovery Plan	July 5, 2024 (per Local Rule 26.1)	Within 30 days of Defendants' respective

		Answers to the Amended Complaint (if necessary)
Initial Disclosures	July 5, 2024 (per Local Rule 26.1)	Within 30 days of Defendants' respective Answers to the Amended Complaint (if necessary)

Federal Rule of Civil Procedure 6(b)(1)(A) provides a court broad discretion to extend these deadlines if the request is made before the deadline expires and “good cause” is shown. Here, Defendants make this request weeks in advance of the deadlines. Defendants respectfully submit that good cause exists for granting the extension.

As to the response to Plaintiffs' Amended Complaint, Defendants anticipate that they will need additional time to respond to the Amended Complaint due to its expected length and complexity. The original Complaint totaled 156 pages with 637 paragraphs of allegations. (Doc 1). Defendants anticipate that the Amended Complaint may contain new or additional allegations seeking to remedy some of the defects identified in the prior motions to dismiss. Accordingly, Defendants anticipate needing additional time to evaluate, investigate, and address the new allegations, despite diligently working to do so. *See Leslie v. Experian Info. Sols., Inc.*, No. 1:23-CV-00330-ELR-JEM, 2023 U.S. Dist. LEXIS 169475, at *9 (N.D. Ga. Sep. 21, 2023) (finding good cause to grant motion for extension of time to respond to complaint when the defendant needed additional time to conduct investigations);

Hughes v. Fulton Cty., No. 1:16-CV-01912-CAP-JFK, 2016 U.S. Dist. LEXIS 206060, at *3 (N.D. Ga. Sep. 21, 2016) (granting the consent motion for an extension of time to respond to the amended complaint). Further, as briefing on the National Women's Law Center's motion to intervene will be complete by then, the proposed schedule may create efficiencies associated with all motions to dismiss being filed at nearly the same time and with more information about who is a party to the case.

Given the bulk of arguments likely contained in the various Motions to Dismiss that Defendants are likely to file in response to the Amended Complaint, Plaintiffs believe that they will need until September 23, 2024 to file their briefs in opposition to those motions. Defendants will then be prepared their Reply Briefs in support of the motion by October 14, 2024.

As to the Early Planning Conference, Joint Preliminary Report and Discovery Plan, and Initial Disclosures, there is good cause to defer those activities until after the Amended Complaint is filed, Defendants respond to the Amended Complaint, and the Court rules on any motions to dismiss. Doing so will allow the Parties to base their discussions and submissions on the remaining and operative allegations and issues in the case. Moreover, the Local Rules dictate that discovery does not begin until after Defendants file their answers. Planning for discovery while there are pending motions to dismiss that may dispose of significant parts (if not all) of the operative complaint would be inefficient and potentially futile. Accordingly,

Defendants request—and Plaintiffs do not oppose—that the Court shift the deadlines to be keyed from the Defendants’ answers to the Amended Complaint.

For the reasons stated herein, Defendants respectfully request that the Court grant this motion and extend the deadlines in accordance with the table above. Per Section II(A) of this Honorable Court’s Standing Order, a proposed Order is attached hereto as Exhibit A.

Respectfully submitted this 20th day of June, 2024.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, I hereby certify that this brief has been prepared in Times New Roman, 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1C.

/s/ Cari K. Dawson
Cari K. Dawson

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

This 20th day of June, 2024.

/s/ Cari K. Dawson
Cari K. Dawson